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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,385	12/21/2001	Gabriel Garcia Montero	RSW920010210US1	1061

7590 03/21/2005

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EXAMINER

WILLETT, STEPHAN F

ART UNIT PAPER NUMBER

2142

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,385

Applicant(s)

MONTERO, GABRIEL GARCIA

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2, 4, 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. JAVA is acronym(s) and/or trademark(s), and thus is unclear.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Najmi with Patent Number 6,753,889.
3. Regarding claim(s) 1, Najmi teaches a messaging system with topics and rules. Najmi teaches a message server, col. 3, line 59. Najmi teaches a plurality of topics, col. 3, lines 60-62. Najmi teaches a plurality of subtopics associated with a topic as a "subscription rule", col. 7, lines 51-54. Najmi teaches dynamic partitioning, col. 6, lines 9-14 as "searching", col. 6, lines

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41-44 into subtopics such as “subscription rules” or a “particular type of document”, col. 7, lines 62-66 or “components”, col. 5, lines 17-20 or EJBs, col. 7, lines 13-18.

4. Regarding claim(s) 2, Najmi teaches a JMS message server, col. 3, line 59.

5. Regarding claim(s) 3, Najmi teaches a server residing in a process address space, col. 11, lines 14-15, 39-46.

6. Regarding claim(s) 4, Najmi teaches a JVM associated with an address or processor, col. 11, lines 8-10.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Najmi with Patent Number 6,753,889 in view of Goff with Patent Number 6,684,390.

4. Regarding claim(s) 5, 6, 8-9, Najmi teaches a messaging system with topics and rules. Najmi teaches a message server, col. 3, line 59. Najmi teaches a plurality of topics, col. 3, lines 60-62. Najmi teaches a plurality of subtopics associated with a topic as a “subscription rule”, col. 7, lines 51-54. Najmi teaches dynamic partitioning, col. 6, lines 9-14 as “searching”, col. 6, lines 41-44, col. 7, lines 44-45 into subtopics such as “subscription rules” or a “particular type of document”, col. 7, lines 62-66 or “components”, col. 5, lines 17-20 or EJBs, col. 7, lines 13-18.

Najmi teaches converting messages, col. 8, lines 15-20. Najmi teaches the invention in the above claim(s) except for explicitly teaching thread hosting/assignment for each subtopic message with a subscriber. In that Najmi operates to pass messages over a network, the artisan would have looked to the messaging network arts for details of implementing a JVM. In that art, Goff a related JAVA network adapter, teaches "a JVM to execute one or more threads", abstract in order to enhance performance. Goff specifically teaches a plurality of threads, col. 7, lines 62-64 and thread hosting and assignment, col. 6, lines 1-4. A thread or a pool of threads may be assigned to a JVM or its JAVA application which can be based on a topic or subtopic. Further, Goff suggests "the JVM and associated application", col. 6, lines 7-8 thread assignment will result from implementing his thread allocation based on various well known thread assignment techniques. The motivation to incorporate thread assignments by subtopic insures performance is enhanced. Thus, it would have been obvious to one of ordinary skill in the art to incorporate subtopic thread assignment as taught in Goff into the topics described in the Najmi patent because Najmi operates with various network processors and Goff suggests that optimization can be obtained with specific threads being assigned. Therefore, by the above rational, the above claim(s) are rejected.

5. Regarding claim(s) 7, Najmi teaches a JMS message server, col. 3, line 59.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Belkin reference with Patent Number 6,542,920, Hobbs

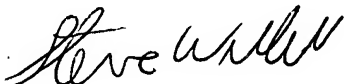
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reference with Patent Number 6,523,022 and Ramabhadran reference with Patent Number 6,839,730 are suggested. The other references cited teach numerous other ways to categorize data and then assign a thread from a pool to said category, thus a close review of them is suggested.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



Stephan Willett

Patent Examiner

February 16, 2005